

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

NORBERT PATRICK KIDD, )  
 )  
Plaintiff, )  
vs. ) 4:11-cv-020-SEB-WGH  
 )  
SHERIFF MIKE KREINHOP, et al., )  
 )  
Defendants. )

**Entry and Order Directing Dismissal of Action**


"A complaint must always . . . allege 'enough facts to state a claim to relief that is plausible on its face.'" *Limestone Development Corp. v. Village of Lemont, Ill.*, 520 F.3d 797, 803 (7th Cir. 2008) (quoting *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1974 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). The complaint of Norbert Kidd has been screened as required by 28 U.S.C. § 1915A.<sup>1</sup> As a result of that screening, the action must be dismissed because the complaint fails to state a claim upon which relief can be granted.

"The conditions of imprisonment, whether of pretrial detainees or of convicted criminals, do not reach even the threshold of constitutional concern until a showing is made of 'genuine privations and hardship over an extended period of time.'" *Duran v. Elrod*, 760 F.2d 756 (7th Cir. 1985) (quoting *Bell v. Wolfish*, 441 U.S. 520, 542 (1979)). Plaintiff Kidd's lament that the county jail where he is confined does not have supply cable television and other amenities to each of its housing units does not suggest conditions approaching the level of genuine privations and hardship over an extended period of time. Similarly, merely being placed in a disciplinary unit, or being confined under conditions more onerous than conditions in other housing unit of the jail does not violate the guarantee of due process. *Miller v. Dobier*, 2011 WL 477046, \*2 (7th Cir. Feb. 11, 2011).

For the reasons explained above, therefore, the complaint fails to state a claim upon which relief can be granted. Dismissal of the action pursuant to 28 U.S.C. § 1915A(b) is now mandatory. *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002). Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 04/27/2011

  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

<sup>1</sup>Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007).